



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 10, 1998

Ms. Kristi A. Taylor  
Neiman & Barnes, L.L.P.  
386 W. Main  
Lewisville, Texas 75067

OR98-2656

Dear Ms. Taylor:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119460.

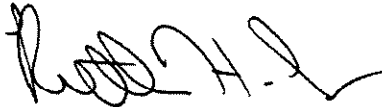
The City of Lewisville (the "city") received a request for information concerning a particular offense. You assert that the information at issue is protected from disclosure under sections 552.101 and 552.108. In regard to your section 552.101 argument, that the information should be withheld from disclosure under common-law privacy, we note that even if the information at issue were private, it could not be withheld from this requestor on that basis because it is her own privacy interests that would be at issue. Gov't Code § 552.023 (information withheld on basis of protecting individual's privacy interests may not be withheld from that individual). We will consider your section 552.108 argument regarding the requested records.

You indicate that the city has provided the requestor with a copy of her own statement to the police and also the front page offense report information. Section 552.108(c) provides that basic information concerning a crime, an arrest or an arrested person is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of an offense report and of an arrest report. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). As you indicate the front page offense report information has already been released, we need not further address the front page offense report information.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. Since you assert that there is an active criminal investigation that will result in criminal prosecution, we agree that section 552.108(a)(1) protects from disclosure the remaining records at issue. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). We note that the city also has discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 119460

Enclosures: Submitted documents

cc: Ms. Irisha Hudson Natrop  
4925 Ward Drive  
The Colony, Texas 75065  
(w/o enclosures)